IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 24916 of 2004

Between:

Smt.K.Ratnamala W/o.late K.B.A.Rao

Aged about 48 years, Occ: House wife,

Rajendra Nagar, Rajahmundry, East Godavari District

..... PETITIONER

AND

1 The Depot Manager APSRTC Ramachandrapuram,

East Godavari Dist.
2 The Secretary APSRTC,Employees Thrift&Credit&Co-operative

Society Ltd., Azamabad, Hyderabad
3 The Divisional Manager, Oriental Insurance Company,

R.K.Mansion, Koti, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or directions, more in the nature of writ of mandamus directing the respondents herein to pay the insured amount of the petitioner husband with 18% interest for delay in payment.

Counsel for the Petitioner: MR.P.GOVINDA RAJULU

Counsel for the Respondent No.1: KUM.B.G.UMA DEVI

The Court at the stage of admission made the following:

ORDER:

The petitioner prays for a direction to the respondents to pay the insured amount of her husband with 18% interest for delay in payment on the ground that her husband died on 03.06.1999 in a train accident.

During service the husband of the petitioner had taken Janata Personal Accident Insurance Scheme through the 3rd respondent. But after the death her husband, the respondents have not paid any insured amount to the petitioner. Hence the writ petition.

By letter dated 08.10.2001 the A.P.S.R.T.C.Employees' Thrift & Credit & Cooperative Society Limited informed the Depot Manager that the Oriental Insurance Company has rejected the claim submitted in respect of the reported accidental death of the husband of the writ petitioner due to lack of circumstantial evidence. It is also stated that it was a doubtful death as perceived by the Insurance Company and their efforts to get the claims through the Company could not yield results. Therefore, the grievance of the petitioner, if any, has to be adjudicated by filing a suit in a competent Civil Court of jurisdiction as required under Section 47 of the Insurance Act.

In the circumstances, it is appropriate to give a direction to the petitioner to avail such other remedy as open under law to seek her redressal.

The Writ Petition is, accordingly, disposed of. No order as to costs.

dsr

ASSISTANT REGISTRAR

To:

1. The Depot Manager, APSRTC,

Ramachandrapuram, East Godavari District

2. The Secretary, APSRTC Employees Thrift &

Credit & Cooperative Society Limited,

Azamabad, Hyderabad

3. The Divisional Manager,

Oriental Insurance Company,

R.K.Mansion, Koti, Hyderabad

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